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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

9 FEB 1994

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Honorable Harris Wofford  
United States Senate  
283 Russell Senate Office Building  
Washington, D.C. 20510-3803

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Senator Wofford:

Thank you for your letter of December 29, 1993, to then Chairman James Quello concerning the Commission's Notice of Proposed Rule Making (Notice) in PR Docket No. 93-61, to develop regulations for Automatic Vehicle Monitoring (AVM) systems operating in the 902-928 MHz band. You express concern about the potential adverse impact this proceeding may have on the development of Intelligent Vehicle Highway Systems and on the deployment of electronic toll and traffic management systems in particular. The Commission shares your concerns and I can assure you that it is not our intention in this proceeding to inhibit the development of such systems. The following is a brief description of the current use of the 902-928 MHz band and a brief summary of the FCC's proposals in the Notice.

AVM systems are used, among other things, for locating and tracking fleets of vehicles, locating stolen vehicles, alerting authorities to emergencies, electronic toll collection, and freight tracking. Currently, AVM systems are licensed in the 904-912 and 918-926 MHz sub-bands. In PR Docket No. 93-61 the FCC proposed to replace the existing interim rules to enhance the use of the band and create a more stable regulatory environment for operation of AVM systems. See Notice of Proposed Rule Making, PR Docket No. 93-61, 8 FCC Rcd 2502 (1993). The FCC proposed that AVM systems be licensed throughout the entire 902-928 MHz band and that they be permitted to locate persons as well as vehicles. We also recognize the difficulty various AVM systems may have in sharing this band. The Commission, therefore, requested comment on whether it is feasible for the different types of AVM systems to share the 902-928 MHz band or whether some degree of channel exclusivity should be granted to certain systems.

In addition to AVM systems, the 902-928 MHz band is shared by other user groups. In order to manage the shared use of this spectrum effectively, priorities for access to this band have been established among these groups. Users with lower priority must accept interference from, and may not cause interference to, users that have a higher priority. The 902-928 MHz band is primarily allocated for use by the Federal Government for Radiolocation, and Fixed and Mobile services. Following both the Federal Government and ISM devices on the priority scale are Automatic Vehicle Monitoring (AVM) systems.

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Honorable Harris Wofford

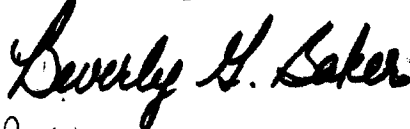
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Next are Amateur radio operators and finally, Part 15 devices (e.g., cordless telephones, wireless local area networks, and wireless inventory systems) that are eligible to operate in this band.

As you can see, the number and diversity of users of the 902-928 MHz band make this an especially complex proceeding. It is also a proceeding that will have a far-reaching effect on the development of Intelligent Vehicle Highway Systems and our nation's transportation infrastructure in general. In this regard the Commission shares your concern that any regulatory scheme for the AVM services provide for the multiple and diverse technologies needed to implement electronic toll and traffic management systems. The Commission's policy toward the mobile services has always been to ensure that a broad array of service offerings are available to the public and that the latest advanced radio technologies can be fully developed. While I do not want to prejudice the Commission's decision in this proceeding, I can assure you that we shall carefully consider the concerns raised in your letter in our deliberations.

I thank you again for your interest in this matter. As you requested, I will inform you of the Commission's actions in this proceeding as soon as they occur.

Sincerely,



Ralph A. Haller  
Chief, Private Radio Bureau

HARRIS WOFFORD  
PENNSYLVANIA

# United States Senate

WASHINGTON, DC 20510-3803

PRB  
PR-AVM  
ENVIRONMENT AND PUBLIC WORKS  
LABOR AND HUMAN RESOURCES  
FOREIGN RELATIONS  
SMALL BUSINESS  
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December 29, 1993

Mr. James H. Quello  
Chairman  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Mr. Quello,

I write to express my concern with the Commission's pending rulemaking on Automatic Vehicle Monitoring ("AVM") services, PR Docket 93-61.

The Intelligent Vehicle Highway Systems (IVHS) Act of 1991, 23 U.S.C. Section 307 note, established the implementation of systems that would enhance the capacity, safety and efficiency of our nation's highways while reducing congestion, energy consumption and pollution. One such project is a region-wide electronic toll collection system that is being designed for Pennsylvania, New Jersey and New York.

I have been informed that the proposed rule regarding spectrum allocation for AVM services, which was published in the recent Notice of Proposed Rulemaking, will hinder progress toward meeting the goals of IVHS. Specifically, the Commission's proposed spectrum allocation would limit the options available among existing technologies that might be used to implement electronic toll collection and other advanced traffic management systems under IVHS. Such limitations could hinder the development of important traffic management systems, such as the toll collection system that is being designed for Pennsylvania, New Jersey and New York.

With this in mind, I am urging the Commission to reconsider its proposed rule on spectrum allocation for AVM services and to issue a final rule that facilitates, rather than hinders, the implementation of IVHS.

I will continue to monitor this issue with great interest and would appreciate it if you would keep me informed of the Commission's actions in this matter.

Sincerely,



Harris Worford